

ORDINANCE NO. 83- 21

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA REPEALING PALM BEACH COUNTY ORDINANCE 79-4, "GUN PERMITTING ORDINANCE"; ENACTING AN ORDINANCE ENTITLED "PALM BEACH COUNTY CONCEALED PISTOL LICENSE ORDINANCE" PROVIDING FOR THE LICENSING OF CONCEALED PISTOLS PURSUANT TO SECTION 790.06, FLORIDA STATUTES, PROVIDING FOR AN APPLICATION FORM, PROVIDING FOR THE INVESTIGATION OF AN APPLICANT FOR COMPLIANCE WITH THE CRITERIA ESTABLISHED FOR THE ISSUANCE OF A CONCEALED PISTOL LICENSE, PROVIDING FOR ADMINISTRATION BY THE COUNTY ADMINISTRATOR, PROVIDING FOR CRITERIA UPON WHICH THE APPROVAL OR DENIAL OF AN APPLICATION FOR A CONCEALED PISTOL LICENSE IS MADE, PROVIDING FOR ISSUANCE OF SAID LICENSE OR DENIAL OF SAID APPLICATION BY THE BOARD OF COUNTY COMMISSIONERS, PROVIDING FOR THE AMENDMENT OF SAID LICENSE TO INCLUDE ADDITIONAL CONCEALED PISTOLS, PROVIDING FOR THE TERM OF SAID LICENSE, PROVIDING NOTIFICATION TO EACH APPLICANT WITH RESPECT TO THE BOARD'S ACTION ON AN APPLICATION, PROVIDING FOR THE FORM OF THE LICENSE, AND PROVIDING FOR THE AUTOMATIC SUSPENSION OF SAID LICENSE UPON THE FILING OF AN INDICTMENT OR INFORMATION FOR A VIOLATION OF SECTION 790.07, FLORIDA STATUTES OR A FELONY, PROVIDING FOR THE REVOCATION OF SAID LICENSE BY THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SPECIFIED CRITERIA, PROVIDING FOR THE RECOGNITION OF STATUTORY EXCEPTIONS TO SAID ORDINANCE, PROVIDING FOR THE CONSTRUCTION OF SAID ORDINANCE, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE, PROVIDING FOR THE GEOGRAPHIC APPLICABILITY OF SAID ORDINANCE.

RESCINDED
See 79-4

WHEREAS, it is for the health, safety, and general welfare of the public that concealed pistols be regulated; and

WHEREAS, Florida Statutes, Section 790.06 provides for the discretionary establishment by each county commission the licensing of individuals for the carrying of concealed pistols; and

WHEREAS, said statute provides certain minimum criteria for such licensing, and permits each county commission, in its discretion, to establish by ordinance additional criteria for such licensing; and

WHEREAS, the Palm Beach Board of County Commissioners has established such licensing by Ordinance No. 79-4; and

WHEREAS, the Board of County Commissioners, after thorough review, and upon the study and recommendation of staff, finds and determines that it is in the interest of the public's health, safety, and general welfare to make certain changes to said Ordinance; and

WHEREAS, certain costs are incurred by the administrative processing of applications for licenses issued hereunder;

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
2 OF PALM BEACH COUNTY, as follows:

3 SECTION 1

4 Palm Beach County Ordinance No. 79-4, "Gun Permitting Ordinance,"
5 is hereby repealed in its entirety.

6 SECTION 2, SHORT TITLE

7 This Ordinance shall be known and may be cited as the "Palm Beach
8 County Concealed Pistol License Ordinance."

9 SECTION 3, PURPOSE

10 The purpose of this Ordinance is to establish a uniform policy and
11 procedure for the issuance of licenses to carry a concealed pistol on
12 the person pursuant to the authority granted to the Board of County
13 Commissioners by Section 790.06, Florida Statutes.

14 SECTION 4, APPLICATION FOR LICENSE FORM

15 Any individual desiring a license under this Ordinance shall submit
16 a written application to the Board of County Commissioners. Said
17 application shall be on a form provided by, and shall be submitted
18 through, the Office of the County Administrator. Said application shall
19 be substantively as that form attached hereto and made a part hereof as
20 Exhibit A relating to the applicant's eligibility to receive a license
21 under this Ordinance, and shall include at least the following:

22 A. Two photographs clearly identifying the applicant, taken within
23 the thirty (30) days immediately preceding the date of application, and
24 measuring approximately two inches (2") square.

25 B. A \$100.00 bond payable to the Governor of the State of Florida
26 conditioned for the proper and legitimate use of the weapon and firearm.

27 C. A form provided by the Office of the County Administrator
28 containing the applicant's fingerprints.

29 D. A notarized statement signed by the applicant stating that:

- 30 (1) The applicant is at least eighteen (18) years old.
31 (2) The applicant is not an unlawful user of or addicted to
any controlled substances as defined in Chapter 893,
32 Florida Statutes.
33 (3) The applicant has not been convicted of a violation of
Section 790.07, Florida Statutes, or an equivalent
34 offense under Federal or State law, unless 2 years have
elapsed since the applicant has been restored to his
civil rights.

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- (4) The applicant has not been adjudicated a mental incompetent or has not been committed to a mental institution as being dangerous to himself or others, unless he possesses a certificate from a medical doctor licensed in this state that he no longer suffers any disability.

E. Personal data including, the applicant's legal name, aliases and nicknames, maiden name, date of birth, height, gender, place of birth, citizenship information, race, color of hair, and color of eyes.

F. A certificate issued not more than sixty (60) days after the date of application filing stating that the applicant has successfully completed a pistol safety course, including a range test, taught by a Certified National Rifle Association Instructor provided, however, that this requirement shall not apply to:

(1) individuals who have possessed for a period of two (2) years or more a valid license issued pursuant to this Ordinance or Ordinance No. 74-16, 75-16, or 79-4 where no suspension or revocation has been effected regarding such license

(2) past sheriffs, marshals, prison or jail wardens, policemen, Florida highway patrolmen, game wardens, revenue officers, forest officials, special officers appointed under the provisions of Chapter 354, Florida Statutes, and other peace and law enforcement officers, their deputies and assistants, and peace officers of other states and of the Federal Government,

(3) past members of the Militia, National Guard, Florida State Guard, Army, Navy, Air Force, Marine Corps, Coast Guard, the organized reserves, and other armed forces of the state and the United States trained in the use of firearms and who received an honorable discharge.

G. A non-refundable fee of Seventy-five Dollars (\$75.00)--(Forty Dollars (\$40.00) for an application for renewal for which a license granted hereunder has not lapsed) payable to Palm Beach County Board of County Commissioners. Said fee shall be applied toward the cost of administering the application and this Ordinance. Said fee shall be exclusive of any fees or charges of any state or federal criminal investigative agency performing any investigation pursuant to this Ordinance.

SECTION 5. INVESTIGATION AND ADMINISTRATION.

A. The Office of the County Administrator shall cause to be conducted a local and national records check and field investigation with regard to all applicants to assist the Board of County Commissioners in determining whether the applicant meets the license requirements established in this Ordinance.

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SECTION 6. CRITERIA FOR ISSUANCE OF A LICENSE.

A. At least eighteen (18) years old.

C. The applicant has not plead guilty or been convicted of a felony, or a violation of Section 790.07, Florida Statutes, or an equivalent offense under Federal or State law; unless two years have passed since the applicant has been restored to his civil rights.

E. Applicant has submitted a sworn statement indicating that applicant has complied with all criteria and procedures established by Ordinance and Section 790.06, Florida Statutes, and the documents support of the application demonstrate compliance with all the terms of this Ordinance and Section 790.06, Florida Statutes.

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1 G. The successful completion, as certified, of the course set
2 forth in Section 4 F. herein, except as otherwise exempted.

3 SECTION 7. BOARD OF COUNTY COMMISSIONERS TO ISSUE LICENSES.

4 The application and the accompanying evidence shall be presented to
5 the Board of County Commissioners prior to the regularly scheduled Board
6 of County Commissioners meeting in which they consider the application.
7 The Board shall make the final determination concerning the
8 qualifications of the applicant pursuant to this Ordinance and Section
9 790.06, Florida Statutes. The Board reserves the right to request or
10 cause to be conducted any additional investigation regarding whether,
11 and to what extent, an applicant fulfills any of the criteria set forth
12 in this Ordinance.

13 Licenses shall only be issued to those applicants meeting the
14 requirements of this Ordinance and which comply with Section 790.06,
15 Florida Statutes, and shall apply only to those weapons listed on the
16 application as amended pursuant to Section 10 herein.

17 SECTION 8. TERM OF LICENSE.

18 Licenses issued by the Board of County Commissioners pursuant to
19 this Ordinance shall be valid for no longer than two (2) years.

20 SECTION 9. NOTIFICATION OF ACTION.

21 The Board of County Commissioners shall cause notice to be sent to
22 each applicant indicating the Board's action on the application.

23 SECTION 10. LICENSE FORM.

24 Any license issued under this Ordinance shall:

25 A. Have a photograph of the licensee attached to or made a part of
26 the license form;

27 B. Specify the caliber, make, model, and serial number or other
28 identifying characteristics or marking of the weapons licensed pursuant
29 to this Ordinance;

30 C. Specify the date of expiration;

31 D. Be signed by the Clerk of the Board of County Commissioners or
32 his deputy; and

33 E. Any persons licensed under this Ordinance may at any time seek
34 an amendment to his or her license to include or substitute weapons from
35 the license. Said amendment shall not require approval or review by the
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1 Board of County Commissioners. Said amendment shall be confirmed in
2 writing to applicant.

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4 SECTION 11. LICENSE SUSPENSION. Any license issued under this
5 Ordinance shall be automatically suspended without Board of County
6 Commissioners' action if an indictment or information has been duly
7 filed against a licensee with respect to a violation of Section 790.07,
8 Florida Statutes, or a felony under the Laws of the State of Florida or
9 any other State or of the United States of America. Notice of
10 suspension shall be sent by first class and certified mail, postage
11 prepaid, to the licensee within fifteen (15) days of any suspension
12 informing him/her of said suspension and the grounds therefor.

13 SECTION 12. LICENSE REVOCATION.

14 Any license issued under this Ordinance may be revoked by the Board
15 of County Commissioners upon a determination that:

16 A. A licensee has pled guilty or nolo contendere, or been
17 convicted or found guilty of a violation of Section 790.07, Florida
18 Statutes, or a felony under the Laws of the State of Florida or any
19 other State or of the United States of America, whether or not
20 adjudication was withheld.

21 B. A licensee has misrepresented or concealed fact(s) on his or
22 her application which are material to the criteria set forth in this
23 Ordinance; or

24 C. A licensee has engaged in conduct in the time period following
25 his last application, which would otherwise warrant a denial or revoca-
26 tion under the terms of this Ordinance.

27 D. The licensee shall be afforded a hearing before the Board of
28 County Commissioners before revocation of the license with at least
29 fifteen (15) days prior written notice of said hearing.

30 E. The Board of County Commissioners of Palm Beach County has
31 reason to believe that a licensee has engaged in conduct in the time
32 period following his last application, which would have warranted a
33 denial under the terms of this Ordinance had said information been in
34 evidence at the time of consideration of the application.

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1 Notice shall be sent by first class and certified mail, postage
2 prepaid, to the licensee within fifteen (15) days of any revocation
3 informing him/her of said revocation and the grounds therefore.
4 .

5 SECTION 13. STATUTORY EXCEPTIONS This Ordinance shall not apply in
6 those instances which are specifically excepted by Florida Statutes.

7 SECTION 14. CONSTRUCTION.

8 This Ordinance shall be construed liberally to carry out the
9 declaration of policy herein and in favor of the constitutional right to
10 keep and bear arms for lawful purposes.

11 SECTION 15. REPEAL OF LAWS IN CONFLICT.

12 Any laws or ordinances in conflict with this Ordinance which Palm
13 Beach County can repeal are hereby repealed.

14 SECTION 16. INCLUSION IN CODE.

15 The provisions of this Ordinance shall become and be made a part of
16 the Codes of Laws and Ordinances of Palm Beach County, Florida. The
17 sections of this Ordinance may be renumbered or relettered to accomplish
18 such; the word "Ordinance" may be changed to "Section," "Article" or
19 other appropriate word.

20 SECTION 17. SEVERABILITY.

21 If any section, paragraph, sentence, clause, phrase or word of this
22 Ordinance is for any reason held or declared to be unconstitutional,
23 inoperative or void, such holdings shall not affect the remainder of
24 this Ordinance.

25 SECTION 18. EFFECTIVE DATE.

26 This Ordinance shall become effective upon receipt of acknowledge-
27 ment by the Secretary of State of the State of Florida.

28 SECTION 19. APPLICABILITY.

29 This Ordinance shall be applicable in the entire unincorporated
30 area of Palm Beach County and the incorporated area of Palm Beach County
31 to the extent permissible by Article 8, Section 1 (f) of the Florida
32 Constitution.
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1 APPROVED and ADOPTED by the Board of County Commissioners of Palm
2 Beach County, Florida, this 1st day of November, 1983.

3
4 ATTEST:

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

5 JOHN B. DUNKLE, Clerk

6 By: Mrs. Lorie Clinger
Deputy Clerk

By: [Signature]
Chairman

7 Acknowledged by the Department of State of the State of Florida, on
8 this 9th day of November, 1983.

9 EFFECTIVE DATE: Acknowledgement from the Department of State
10 received on the 14th day of November, 1983, at 4:04 P.m.,
11 and filed in the office of the Clerk of the Board of County
12 Commissioners of Palm Beach County, Florida.

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14 APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

15 By: R.W. Carlisle Jr.
16 County Attorney
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BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

PISTOL PERMIT APPLICATION

FALSE STATEMENTS CONSTITUTE PERJURY AND WILL RESULT IN DISAPPROVAL OF THIS APPLICATION AND OR REVOCATION OF LICENSE ISSUED AND MAY SUBJECT APPLICANT TO CRIMINAL PROSECUTION.					Photo taken within 30 days prior to date of application		RIGHT THUMB PRINT												
Date _____					FRONT VIEW 2 X 2 Square		SIGNATURE OF PERSON PRINTED												
<div style="display: flex; justify-content: space-between;"> FIRST NAME M.I. LAST </div>					List any variation in spelling or any other name used				SOCIAL SECURITY NUMBER										
LEGAL RESIDENCE (Include County, Zip Code and Apt. No.)					Phone No.		List other present places of residence												
<div style="display: flex; justify-content: space-between;"> DATE OF BIRTH Mo/Day/Year </div>					<input type="checkbox"/> Male <input type="checkbox"/> Female		<div style="display: flex; justify-content: space-between;"> Height Weight </div>												
<div style="display: flex; justify-content: space-between;"> Place of Birth Citizen <input type="checkbox"/> Alien <input type="checkbox"/> </div>					If Naturalized, give date and Court where papers are filed				If Alien, Registration No.										
LIST ALL PLACES OF RESIDENCE FOR PAST TEN (10) YEARS																			
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">From Month and Year</th> <th style="width: 15%;">To Month and Year</th> <th style="width: 55%;">Present</th> <th style="width: 15%;">Precinct</th> </tr> <tr> <td style="height: 100px;"></td> <td></td> <td></td> <td></td> </tr> </table>										From Month and Year	To Month and Year	Present	Precinct						
From Month and Year	To Month and Year	Present	Precinct																
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Employed by (Business Name)</th> <th style="width: 30%;">Business Address (include zip code)</th> <th style="width: 15%;">Phone No.</th> <th style="width: 25%;">Nature of Business</th> </tr> <tr> <td></td> <td></td> <td></td> <td>Occupation</td> </tr> </table>										Employed by (Business Name)	Business Address (include zip code)	Phone No.	Nature of Business				Occupation		
Employed by (Business Name)	Business Address (include zip code)	Phone No.	Nature of Business																
			Occupation																
LIST ALL PLACES OF EMPLOYMENT FOR PAST FIVE (5) YEARS																			
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">From Month and Year</th> <th style="width: 15%;">To Month and Year</th> <th style="width: 55%;">Business Name and Address (include zip code)</th> <th style="width: 15%;">Occupation</th> <th style="width: 5%;">City</th> </tr> <tr> <td style="height: 100px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>										From Month and Year	To Month and Year	Business Name and Address (include zip code)	Occupation	City					
From Month and Year	To Month and Year	Business Name and Address (include zip code)	Occupation	City															
Describe the pistol for which you seek this permit																			
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">Make</th> <th style="width: 10%;">Caliber</th> <th style="width: 25%;">Type (Rev. or Auto.)</th> <th style="width: 15%;">Model</th> <th style="width: 20%;">Serial Number</th> </tr> <tr> <td style="height: 50px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>										Make	Caliber	Type (Rev. or Auto.)	Model	Serial Number					
Make	Caliber	Type (Rev. or Auto.)	Model	Serial Number															
CHECK APPROPRIATE BOX FOR QUESTIONS 8 THROUGH 16																			
(Use "ADDITIONAL COMMENTS" Section on back of page to explain any answers)																			
HAVE YOU EVER									YES NO										
8 been discharged from any employment for reasons relating to questions of your moral character?									<input type="checkbox"/> <input type="checkbox"/>										
9 been admitted to a hospital, mental institution, or sanitarium for the treatment of a mental disorder or otherwise been treated for a nervous or mental disorder?									<input type="checkbox"/> <input type="checkbox"/>										
10 suffered from any physical defect or sickness which would interfere with or handicap you in the handling of a pistol? NOTE: The following conditions - not to be regarded as exclusive must be listed: Epilepsy, Diabetes, Fainting Spells, Blackouts, Temporary Loss of Memory or any Nervous affliction.									<input type="checkbox"/> <input type="checkbox"/>										
11 served in the armed forces of this or any other contry? If yes, give dates of service under details below. If discharge is other than honorable, explain fully in "ADDITIONAL COMMENTS" Section.									<input type="checkbox"/> <input type="checkbox"/>										
12 been the subject of military disciplinary action?									<input type="checkbox"/> <input type="checkbox"/>										

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YES NO

13	Has any license or permit issued to you by any city, state, or federal agency ever been revoked cancelled or suspended? If pistol permit, give year and location.	<input type="checkbox"/>	<input type="checkbox"/>
14	Have you, within the last ten (10) years, made an application for or possessed a license or permit issued by the police and/or Sheriff's Department. If yes, give type year and license number.	<input type="checkbox"/>	<input type="checkbox"/>
15	Within the past five (5) years, were you ever summoned, arrested, or indicted for any crime or offense (other than a traffic offense) in any jurisdiction, federal, state, or local? If yes, list the following information: date, charge(s), disposition, court and date, police agency. Include any arrests for Driving while under the Influence (DWI) and/or Unlawful Blood Alcohol (UBA).	<input type="checkbox"/>	<input type="checkbox"/>
16	Were you ever convicted of or did you plead no contest to any crime or offense (other than traffic) in any jurisdiction, federal, state, or local? If yes, list the following information: date, charge(s), disposition, court and date, police agency. Include any conviction for Driving while Under the Influence (DWI) and/or Unlawful Blood Alcohol (UBA).	<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL COMMENTS

If any answer to questions 8 through 16 is yes, give full details
If additional space is needed, use separate sheets.

I hereby apply for a permit to carry a firearm concealed on my person and I understand that any false statements will result in disapproval of this application and/or suspension of permit issued.

I hereby authorize the release of any information pertaining to the information requested above contained in my records at any location and that such information or records may be disclosed, furnished to, or examined by the Sheriff of Palm Beach County and/or a designee of the Palm Beach County Board of County Commissioners upon prior approval of the Board of County Commissioners after notice to the applicant and subject to his/her response.

Applicant's Signature

FALSE STATEMENTS CONSTITUTE PERJURY AND WILL RESULT IN DISAPPROVAL OF THIS APPLICATION AND/OR REVOCATION OF LICENSE ISSUED AND MAY SUBJECT APPLICANT TO CRIMINAL PROSECUTION.

STATE OF FLORIDA)

SS

COUNTY OF PALM BEACH)

ORDINANCE NO. 8321

BEING DULY SWORN, DEPOSES AND SAYS THAT ALL
OF THE ANSWERS AND FOREGOING QUESTIONS ARE TRUE.

SWORN TO BE THIS _____ DAY OF _____, 19____

Notary Public, State of Florida at Large

MY COMMISSION EXPIRES